REMARKS

This paper is filed in response to the Final Office Action mailed January 19, 2010. No claims are amended by this paper. Claims 99 and 101-118 are pending. Reconsideration and allowance of the claims in view of the remarks that follow are respectfully requested.

Applicants believe that a personal or telephonic interview would expedite prosecution.

Claim Rejections Under 35 U.S.C. §102

Claims 106-107 and 109-118 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 5,390,295 issued to Bates et al. (hereinafter "Bates") for reasons stated on pages 2-5 of the Office Action. Applicants respectfully traverse the rejection.

For anticipation under 35 U.S.C. §102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02, IV. Distinction between 35 U.S.C. 102 and 103, page 700-21). The Federal Circuit has held that prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim *(Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, (Fed. Cir. 1985); *Atlas Powder Co. v. DuPont;* 750 F.2d 1569, (Fed. Cir. 1984); *American Hospital Suppl v. Travenol Labs*, 745 F.2d 1 (Fed. Cir. 1984).

Bates does not anticipate the claimed invention because it fails to disclose or suggest "repeating the steps of identifying, recognizing and generating when a new window is activated," as recited in claim 106, and "means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated, and wherein the previously inactive window is displayed in a second format," as recited in claim 113. Activating a window in Bates will not result in the re-assignment of active windows.

The Examiner alleges that "Bates teaches the re-arrangement of windows into a first format when a window is activated. In Bates when a window is activated or put in focus this results in a lose focus event wherein another window is recalculated to determine how long its been active and appropriately displayed (Bates, col. 9, lines 28-50)" (the Final Office Action, page 9). Applicants respectfully disagree with the rejection.

As described in the cited passage of Bates and shown in Figure 6, the "lose focus event" only triggers the window timing loop in Figure 6, so that the active time of the now out-of-focus window is determined. The "lose focus event" **will not** generate a new display as recited in claims 106 and 113.

In fact, Bates specifically teaches that the flowcharts of FIGS. 5A-5B, FIG. 7 and FIG. 8 are independently executing inside processor 12 (col. 11, lines 18-20). The window tiling mode **will not** be automatically engaged every time a new window is brought into focus. To engage the window tiling function, the user has to select the window tiling mode through a specified key sequence, such as ALT-W (col. 11, lines 20-35).

Specifically, Bates shows that block 401 in Figure 8 checks to see if the user has selected the display window tiling mode. If block 401 determines that display window tiling mode has been selected, block 407 sets Total column 43 for the window currently in focus equal to the current value of timer 32 minus the value in "in focus" column 42, and adds this result to the value currently in Total column 43. This function is the same as is performed by block 320 of FIG. 6, and assures that the most up to date information about the window currently in focus is used. Block 407 also sets in focus column 42 for this window equal to the current value of timer 32 (col. 11, lines 17-47).

Therefore, Bates does not disclose repeating the indentifying/recognizing/generating steps every time a new window is activated. In fact, as noted in the Response filed on October 27, 2009, Bates cannot allow "repeating the steps of identifying, recognizing and generating when a new window is activated," because the "display window tiling mode" displays the windows on the display screen with window sizes proportional to the length of time each of the windows were active. If a user opens a new window and the computer were to repeat steps of identifying, recognizing and generating a new display under the "display window tiling mode," the new window would be shown only as an icon because it has the shortest "in focus" time (zero). Therefore, while the Bates method monitors the "in focus" time when a window is active, it would only display windows in a tiled format after a specific user request for the window tiling mode and only then perform the indentifying/recognizing/generating steps.

Taking the example described in col. 4, line 30 to col. 5, line 31 of Bates, the fictitious user, Tammy Taxpayer, used the "display window tiling mode," to readily locate the program Quicken. Because Quicken was the program she used for much of her morning, it will be

prominently displayed on the screen once the "display window tiling mode" is enabled. Let's now assume that Tammy opened a new program Photoshop, which she had not used at all in the morning. The opening event (i.e., a "get focus" event) would initiate the timer as described in col. 8, lines 66 to col. 9, line 3 so that the Photoshop window can be properly timed and later displayed the next time the "display window tiling mode" is enabled. However, the opening event itself would not enable the "display window tiling mode" and would not repeat the relevant steps in the "display window tiling mode." If the opening event itself enabled the "display window tiling mode" and repeated the steps in the "display window tiling mode," as asserted by the Examiner, the Photoshop window would be downsized to an icon according to the rules of display in the "display window tiling mode," set forth in Bates (see, e.g., col. 5, lines 9-31 and col. 7, lines 4-16) because all other programs used by Tammy in the morning would have a longer "in focus" time than Photoshop. This is clearly not the desired outcome of Bates' method and is not how Bates' operates. In fact, Fig. 8 of Bates shows that the algorithm of Bates requires a confirmation to display window tiling mode (block 401) in each cycle.

Similarly, Bates also fails to disclose or teach "means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated, and wherein the previously inactive window is displayed in a first format," as recited in claim 113. As discussed above, the "display window tiling mode" of Bates is enabled upon a specific request from a user and **is not enabled** or triggered when a previously inactivated window is activated. Therefore, in conclusion, activating a window in Bates will not result in the re-arrangement of active windows.

Accordingly, claims 106 and 113 are patentable over Bates because Bates fails to disclose or teach every aspect of the claimed invention. Claims 107, 109-112 and 114-118 are patentable over Bates because they depend from claim 106 or 113 and also recite additional patentable subject matter. For example, claim 107 recites "wherein the steps occur automatically each time a new window is activated." As discussed earlier, the steps in Bates' method does not and **cannot occur automatically** each time a new window is activated. Withdrawal of the rejection under 35 U.S.C. 102 is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 99 and 101-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of USPN 5,463,728 issued to Blahut et al. (hereinafter "Blahut") and USPN 5,838,318 issued to Porter et al. (hereinafter "Porter") for reasons stated on pages 6-8 of the Office Action. Claim 108 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of USPN 5,956,030 issued to Conrad et al. (hereinafter "Conrad") for reasons stated on pages 8-9 of the Office Action. Applicants respectfully traverse the rejections.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be considered (MPEP 2143.03). The key to supporting any rejection under 35 U.S.C. §103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. §103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR,* 82 USPQ2d at 1396 and MPEP 2142.

As discussed earlier, Bates does not teach or suggest "wherein each time a new window is activated the steps of identifying and arranging are repeated," as recited in claim 99. Blahut, Porter and Conrad also fail to teach or suggest this feature. Therefore, for this reason alone, claim 99 is patentable over Bates, Blahut, Porter and Conrad.

Moreover, none of the cited references teach or suggest "choosing the desired number of activated windows to arrange on the screen in the particular format," as recited in claim 99.
The Examiner alleges in the Final Office Action that Applicant argued against the reference individually and noted that Blahut teaches a method of choosing a desired number of windows to display (the Final Office Action, page 9). Applicants respectfully submit that Blahut does not teach such a method.

Specifically, the Examiner alleges that "Blahut teaches a method for arranging windows wherein the desired number of windows to be displayed is specified" and cites to col. 5, lines 22-27 of Blahut as support (the Final Office Action, pages 7-8). Applicants respectfully disagree. As noted in the Response filed October 27, 2009, the cited passage simply provides that Blahut's

apparatus is configured to have enough Window State Machines for the maximum number of windows to be displayed on the apparatus. The apparatus would not allow a user to choose a desired number of activated windows to arrange on the screen in a particular format, as recited in claim 99. Since none of the cited references teach or suggest this feature, claim 99 is patentable over Bates, Blahut, Porter and Conrad.

Claims 101-105 are patentable because they depend from claim 99 and recite additional patentable subject matter. For example, claim 101 recites "wherein the choosing the desired number of activated windows to arrange on the screen comprises choosing a default value." None of the cited reference teaches or suggest a method that allows a user to choose a default value for the desired number of activated windows to arrange on the screen in a particular format.

Claim 108 depend from claim 106. As discussed earlier, claim 106 is patentable over Bates because Bates does not teach or suggest "repeating the steps of indentifying, recognizing and generating when a new window is activated." Conrad is cited for its teachings on conserving display space and viewing both types of windows simultaneously. Conrad does not cure the deficiency of Bates. Therefore, claim 106 is patentable over Bates and Conrad. Claim 108 is patentable because it depends from claim 106.

Withdrawal of the rejections under 35 U.S.C. 103 is respectfully requested.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Applicants believe that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

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